

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

RODNEY HANDY, JR.

v.

LEELONI PALMIERO, et al.

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CIVIL ACTION

No. 17-3107

**ORDER**

AND NOW, this 28th day of September, 2018, upon consideration of Defendants City and County of Philadelphia, Leeloni Palmiero, Sergeant Baldomero, Detective Hagy, Detective Horger, Detective Sullivan, and Commissioner Richard Ross's Motion to Dismiss Plaintiff's Amended Complaint for Failure to State a Claim and Plaintiff Rodney Handy, Jr.'s opposition thereto, and for the reasons set forth in the accompanying Memorandum, it is ORDERED the Motion (Document 14) is GRANTED in part and DENIED in part as follows:

- The Motion is DENIED as to Handy's Fourth Amendment search and seizure claim and state law defamation, libel, and slander claims against the Individual Defendants; and
- The Motion is GRANTED as to all other claims in Handy's Amended Complaint. Handy's Fourth Amendment search and seizure *Monell* claim against the City and Commissioner Ross is DISMISSED without prejudice to Handy's right to seek leave to amend in the event discovery reveals a basis for *Monell* liability. All of the remaining claims are DISMISSED with prejudice.

A scheduling order will be entered separately.

BY THE COURT:

/s/ Juan R. Sánchez  
Juan R. Sánchez, C.J.